

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POSITEC USA INC., a North Carolina
Corporation and POSITEC USA INC., a South
Carolina Corporation,

Plaintiffs,

v.

MILWAUKEE ELECTRIC TOOL
CORPORATION,

Defendant.

C.A. No. 05-890 (GMS)

AGREED ORDER OF DISMISSAL

This action comes before the Court on the pleadings and proceedings of record, and it has been represented to the Court that the plaintiffs, POSITEC USA INC., a North Carolina Corporation and POSITEC USA INC., a South Carolina Corporation (collectively “Positec USA”), and defendant MILWAUKEE ELECTRIC TOOL CORPORATION (“Milwaukee”) have agreed to dismiss the above-identified matter without prejudice.

WHEREFORE, with the consent of plaintiffs and defendant, through their undersigned attorneys, it is hereby finally ORDERED, ADJUDGED and DECREED as follows:

1. All claims of Positec USA are hereby dismissed without prejudice.
2. Each party to this Order shall bear its own costs and attorneys’ fees.

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SO ORDERED this ____ day of _____, 2006.

Hon. Gregory M. Sleet, United States District Judge